

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 217.6, 234.6, 239B.4(4), 249A.4, and 514I.5, the Department of Human Services amends Chapter 58, “Emergency Assistance,” Iowa Administrative Code.

These amendments implement a new division intended to allow the Department to deliver services more effectively during or following a disaster emergency declared by state or federal officials. This division includes rules that temporarily supersede Departmental rules that would otherwise apply. The temporary rules are intended to meet special circumstances that arise from each unique disaster emergency, with the primary purpose of reducing barriers to accessing and receiving services that may result from the disaster emergency. The rules are time-limited and specify the period in which they will be in effect.

Some rules are limited in geographic scope to correspond with specific locales designated as disaster areas by state or federal officials. Others are applied statewide because the disaster emergency is of such a nature or magnitude that doing so allows the Department to most effectively allocate resources and deliver services. Rules implemented under this division must be consistent with applicable federal requirements, including any waivers that may be granted due to the disaster emergency.

These amendments do not provide for waivers in specified situations since the changes benefit recipients in the programs affected.

The HAWK-I Board adopted these amendments on July 8, 2008. The Council on Human Services adopted these amendments on July 9, 2008.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are impracticable because these amendments are needed to provide immediate relief to customers affected by the recent natural disasters throughout the state. Time is of the essence to ensure uninterrupted benefits.

The Department finds that these amendments confer a benefit by reducing administrative barriers that impede the Department’s ability to provide continued assistance to customers affected by the recent natural disasters throughout the state. The Department also finds that these amendments are necessary to ensure the health, safety, and welfare of customers affected by disasters, especially those who have been displaced or are otherwise in dire circumstances. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2) and “b”(3), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 6995B** to allow for public comment.

These amendments are intended to implement Iowa Code chapters 234, 237A, 239B, 249, 249A, 249J, and 514I.

These amendments became effective July 9, 2008.

The following amendments are adopted.

ITEM 1. Reserve rules **441—58.32** through **441—58.40**.

ITEM 2. Adopt the following **new** division heading in **441—Chapter 58**:

DIVISION III TEMPORARY MEASURES RELATED TO DISASTERS

ITEM 3. Adopt the following **new** rules 441—58.41(217) to 441—58.45(249A):

441—58.41(217) Purpose. The rules in this division are intended to allow the department to deliver services more effectively during or following a disaster emergency declared by state or federal officials. These rules temporarily supersede departmental rules that would otherwise apply, with the primary purpose of reducing barriers to accessing and receiving services that may result from the emergency.

The rules shall be tailored to meet special circumstances that arise from a specific disaster emergency and shall be time-limited.

This rule is intended to implement Iowa Code section 217.6.

441—58.42(234,237A,239B,249,249A,249J,514I) Extension of scheduled reporting and review requirements. Normal scheduled reporting, review, recertification, redetermination, or similar requirements related to continued eligibility are amended as follows:

58.42(1) *Scheduled actions due in June 2008.* For the month of June 2008, no quarterly report, six-month or 12-month review, or similar recertification or redetermination normally required under the following chapters shall be required of households residing in the most affected counties during the month. For all programs except food assistance, the designated counties are Black Hawk, Bremer, Butler, Johnson, and Linn.

1. 441—Chapter 40 (family investment program);
2. 441—Chapter 50 (state supplementary assistance);
3. 441—Chapter 65 (food assistance);
4. 441—Chapter 75, 76, or 83 (medical assistance and family planning waiver);
5. 441—Chapter 86 (HAWK-I);
6. 441—Chapter 92 (IowaCare); or
7. 441—Chapter 170 (child care assistance).

58.42(2) *Scheduled actions due in July and August 2008.* For the months of July and August 2008, no quarterly report, six-month or 12-month review, or similar recertification or redetermination normally required under the following chapters shall be required of households residing in any county of the state:

1. 441—Chapter 40 (family investment program);
2. 441—Chapter 50 (state supplementary assistance);
3. 441—Chapter 65 (food assistance);
4. 441—Chapter 75, 76, or 83 (medical assistance and family planning waiver);
5. 441—Chapter 86 (HAWK-I);
6. 441—Chapter 92 (IowaCare); or
7. 441—Chapter 170 (child care assistance).

58.42(3) *Next scheduled action due.* For those households affected under subrules 58.42(1) and 58.42(2), the next report, review, recertification, or redetermination shall be scheduled as if the action due in June, July, or August 2008 had occurred. For example, if a six-month review was to have occurred in June 2008, the next review will be due in December 2008. Likewise, if a 12-month recertification was due in July 2008, the next recertification will be due in July 2009.

58.42(4) *Continuing to report and act on changes.* Other than as provided by this rule, households shall continue to comply with program requirements for reporting changes in circumstances. Good cause provisions for not reporting changes timely shall apply as provided by existing rules. The department shall continue to act on all changes reported or otherwise known to the department that may affect eligibility or benefits during the extended reporting, review, recertification and redetermination periods provided under this rule.

This rule is intended to implement Iowa Code chapters 234, 237A, 239B, 249, 249A, 249J, and 514I.

441—58.43(237A) Need for child care services. State child care assistance eligibility requirements concerning need for service in rule 441—170.2(237A,239B) shall be held in abeyance for households residing in governor-declared disaster counties during the months of June, July, and August 2008. Households in those counties that previously met the requirement shall be considered to continue to meet the requirement for those three months if the disaster and ensuing recovery temporarily prevent the household from otherwise meeting this requirement.

This rule is intended to implement Iowa Code section 237A.13.

441—58.44(249A,249J,514I) Premium payments. Individuals residing in any Iowa county declared by the governor to be a disaster area who would otherwise have their assistance under 441—Chapter 75

(medical assistance), 441—Chapter 86 (HAWK-I), or 441—Chapter 92 (IowaCare) canceled for failure to make a premium payment in the months of June or July 2008 shall not have their assistance canceled for this reason.

This rule is intended to implement Iowa Code chapters 249A, 249J, and 514I.

441—58.45(249A) Citizenship and identity. Citizenship and identity requirements under 441—Chapter 75 for medical assistance applicants shall be held in abeyance for the months of June, July, and August 2008, for individuals residing in counties declared disaster areas by the governor as provided in this rule.

58.45(1) An affidavit may be used to establish both citizenship and identity when other forms of verification are not available and the department is unable to obtain verification through a match with vital records maintained by the department of public health.

58.45(2) An individual approved for medical assistance under this rule shall be granted a certification period of only three months. At the end of the three-month period, the individual shall be required to provide documentation of citizenship and identity as otherwise required under 441—Chapter 75 to continue eligibility.

This rule is intended to implement Iowa Code chapter 249A.

[Filed Emergency 7/9/08, effective 7/9/08]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/30/08.